

FILED

Valiente-Herrera v. Ashcroft, No. 02-71516

SEP 14 2004

LEAVY, J., dissenting:

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

I respectfully dissent. The record is devoid of any evidence that the disappearance of Valiente-Herrera's husband and the attempted abductions of her and her son were on account of a protected ground. We should not substitute our decisions in other, unrelated, appeals for the requisite evidence in this proceeding.